

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT CHATTANOOGA

JEFFREY KENNEDY,

Plaintiff,

v.

GARRY P. EMBERSON and  
GEMSTAR TRANSPORT, LLC.,

Defendants.

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No. 1:21-CV-0258-SKL

**AGREED ORDER GRANTING GEMSTAR TRANSPORT LLC'S  
MOTION FOR JUDGMENT ON THE PLEADINGS AND DISMISSING  
PLAINTIFF'S CLAIMS OF DIRECT NEGLIGENCE WITH PREJUDICE**

Defendant Gemstar Transport LLC ("Gemstar") filed a Motion for Judgment on the Pleadings as to all of Plaintiff's claims of direct negligence against Gemstar pursuant to the preemption rule on the basis that Gemstar admitted it is vicariously liable for the conduct of its employee, Defendant Garry P. Emberson ("Emberson") if any negligence is found in Emberson's operation of the vehicle he was operating at the time of the motor vehicle accident that is the basis of this action.

Plaintiff agrees that Defendants' Motion should be granted, and that all of Plaintiffs claims of direct negligence against Gemstar should be dismissed with prejudice, including but not limited to negligent hiring, negligent training, negligent retention, negligent supervision, and negligent entrustment. It is hereby

**ORDERED, ADJUDGED, AND DECREED** that all of Plaintiff's claims of direct negligence and indirect negligence against Gemstar Transport LLC, including but not limited to negligent hiring, negligent training, negligent retention, negligent supervision, and negligent entrustment are DISMISSED WITH PREJUDICE.

IT IS SO ORDERED.

s/ Susan K. Lee  
SUSAN K. LEE  
UNITED STATES MAGISTRATE JUDGE

Approved for Entry:

MCMAHAN LAW FIRM

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